

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THE SATANIC TEMPLE, INC. and ANN
DOE,

Plaintiffs,

v.

CECILE YOUNG, in her official capacity as
Commissioner of the HHSC;

Defendant.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 4:21-cv-00387

JOINT STATUS REPORT

Plaintiffs, the Satanic Temple, Inc. and Ann Doe (collectively, “TST”) and Defendant Cecile Young, in her official capacity as Commissioner of the HHSC, file this Joint Status Report following the ruling in *Dobbs* as directed by the Court (doc. 34), and respectfully state as follows:

TST’s Position:

TST desires to amend the original complaint to remove the below-specified issues, to remove HHSC, and to remove issues no longer cognizable. To that end, TST proposes to amend the complaint to remove Counts 2-4. Count 2 was an Equal Protection Clause argument which is partly duplicative of the Free Speech / Free Exercise Count (¶¶ 104-110) and was partly duplicative of the substantive due process count (¶¶ 111-113). Under this proposal, the parts that are duplicative of Count 1 (i.e., ¶¶ 104-110) are to be subsumed by Count 1; the remainder is to be dismissed with the now-obsolete *Casey* count (Count 3). The TRFRA Count (Count 4) was previously dismissed without objection. Co-defendant HHSC was previously dismissed without objection. With this amendment, the only surviving issue from the time of the original complaint is Count 1, the Free Speech / Free Exercise religious objections to certain abortion regulations.

TST further desires to supplement the original complaint to add new issues that have arisen since the litigation began. To that end, TST proposes to file a supplemental complaint which will add new Counts 2-8, which attack the constitutionality of SB-8 under a Free Speech / Free Exercise Clause analysis (new Count 2), an Establishment Clause analysis (new Count 3), and will seek a declaratory judgment that the Satanic Abortion Ritual is First Amendment protected activity, for which SB-8 liability does not lie pursuant to Tex. Health & Safety Code Ann. § 171.208(g) (new Count 4). Similarly, the proposed supplemental complaint will attack a 1925 abortion ban under the Free Speech/Free Exercise Clause analysis (new Count 5) and an Establishment Clause analysis (new Count 6). And, the proposed supplemental complaint will attack the trigger law ban on abortion under the Free Speech/Free Exercise Clause analysis (new Count 7) and an Establishment Clause analysis (new Count 8).

Further, TST desires to move the Court for preliminary injunctive relief pending the final outcome of this litigation.

Defendant's Position:

Defendant does not object to the fact of TST's amended and supplemented complaint as proposed above; however, Defendant does intend to move the Court to dismiss the same. Defendant also intends to object to TST's motion for preliminary injunctive relief.

Jointly-proposed briefing schedule:

August 22, 2022 – TST's deadlines to (1) amend the complaint, (2) to supplement the complaint, and (3) to move for preliminary injunctive relief.

September 5, 2022 – Defendant's deadline to respond in opposition to the motion for preliminary injunctive relief, and to file motions to dismiss the amended/supplemental complaint.

September 19, 2022 – TST's deadline to reply on the motion for preliminary injunctive relief, and respond to Defendant's motion to dismiss.

September 26, 2022 – Defendant’s deadline for to file reply in support of motion to dismiss.

October 10–14; or October 27–November 11, 2022 – the parties share joint availability during these date-ranges for a hearing on all above-described motions.

Respectfully submitted,

Date: July 8, 2022

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil Litigation

CHRISTOPHER D. HILTON
Chief, General Litigation Division

/s/ Ryan G. Kercher
RYAN G. KERCHER
Texas Bar No. 24060998
Southern Bar No. 882329
Email: Ryan.Kercher@oag.texas.gov
Assistant Attorney General
Office of the Attorney General
General Litigation Division
P.O. Box 12548
Austin, Texas 78711-2548
Tel: (512) 463-2120
Fax: (512) 320-0667

**ATTORNEYS FOR DEFENDANTS TEXAS
DEPARTMENT OF STATE HEALTH
SERVICES and JOHN WILLIAM
HELLERSTEDT, MD, in his official capacity as
Executive Commissioner of the DEPARTMENT
OF STATE HEALTH SERVICES**

/s/ Matthew A. Kezhaya

MATTHEW A. KEZHAYA

Attorney-in-Charge

Matthew A. Kezhaya, ABA#2014161

Kezhaya Law PLC

1202 NE McClain Road

Bentonville, AR 72712

Phone: 479-431-6112

Email: matt@kezhaya.law

/s/ Brad Rynanen

Brad Rynanen

Texas Bar No. 24082520

The Rynanen Law Office, PLLC

515 Centre Street, #4471

Dallas, TX 75208

Phone: 214-972-8640

Email: brad@bdrlegal.com

ATTORNEYS FOR PLAINTIFFS

The Satanic Temple, Inc. and Ann Doe

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022 a true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record.

/s/ Ryan G. Kercher

RYAN G. KERCHER

Assistant Attorney General